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INVASION OF PRIVACY RIGHT BY MEDIA

Author –

Rishika Arya

Student, BBA. LL.B.

Amity University, Patna

ABSTRACT

Media is said as a crucial part of democracy, as we know it is also coined as the 4th pillar of any democratic country. while nowadays they are violating the rights of citizens by various means in which the most threatening is media trial which accompany to damage their privacy rights and psychological assets. Invasion of privacy may categorize into various categories like in torts, IT, and many more criminal acts which amount to defame, harass, or criminal conspiracy on the person who is highlighted by media. Invasion of privacy is indefensible obstruction into an individual's life. The journalism and media take advantage due they don't have a separate article and most probably they feel free to do so. The media must follow the path of truth, transparency, and honesty. The law has various acts, sections, and judgments regarding the right to privacy but still, some moral, ethic, and honesty are lagging behind the law and the culture of media but not only media is responsible for such actions, as the society and government are equally liable for such act.

Keywords - *Media, Citizen, Privacy, Fundamental right, Judicial*

INTRODUCTION

In this prosperous growing era, our day starts with media and even ends with the media whether it is social media electronic media, or print media, it is said that ¹Media is the 4th pillar of democracy as they use to aware of various political social, and economic activities and their work is to disclose the truth and intense reality of the world, but nowadays it seems media as puppets of powerful people such as politicians multinational organization and whoever gives the handsome food of money. So instead of following by the people, for the people, to the people, they become by the patron, for the patron, to the patron and this point is misleading the concept of media for example sometimes it is observed media trials where they prove someone guilty before the court announced the judgment even in many cases it is seen that the media piercing the personal life or giving a verdict in public someone as accused.

¹ [http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html#:~:text=held%20that%20the%20right%20to,1\)\(d\)%20and%2021](http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html#:~:text=held%20that%20the%20right%20to,1)(d)%20and%2021)

RELATED LEGISLATIONS AND VERDICTS REGARDING THE RIGHT TO PRIVACY AND MEDIA

²Under article 21- it is said, that No person shall be impoverished of his life or personal liberty except as stated to the policy prevailed by law

Here the word life comes from article 19 and 21 (during an emergency) which talk about the right to life and personal liberty after suspension of the 3rd part of the constitution of India. The very first judgment that came regarding this was under ³M.P Sharma v. Satish Chandra where the 8 judge bench declared that the government's right to search and seizure will amount to a breach of one's right to privacy. As this was the very first case regarding privacy the court didn't dwell much about it, but In another case of ADM Jabalpur v. ShivKant Shukla, the court justified that there is no right to life and personal liberty other than article 21 and hence the 3rd part of state suspension was constitutionally valid.

It is very tough to define but with due support of the line that no person shall be deprived of his life, liberty, or property without 'due process of law' which was written in the 5th and 14th Amendments of the US constitution whether the law fulfils the necessity of the reasonable procedure. From here we take the word 'liberty' which has a wider term as it gives all the independence that a normal human being expects. It was recognized firstly in the case of ⁴Kharak Singh v. State of U.P where it justified that the right to privacy is not a guaranteed right and some regulations that permit surveillance of suspects hence this act is not an infringement of the fundamental right.

⁵The power to search and seizure is only applicable when the court prescribes the procedure and this must be tested with the reference of article 14 and under CRPC section 19 say the procedure is only done as the necessity for investigation and by someone who is police authority or prescribes by the court.

² INDIAN CONSTITUTION MP JAIN, 1159 (2018)

³ <https://racolblegal.com/right-to-privacy-in-india-role-of-the-media/>

⁴ INDIAN CONSTITUTIONAL LAW MP JAIN, 1219 (2018)

⁵ [http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html#:~:text=held%20that%20the%20right%20to,\(d\)%20and%2021](http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html#:~:text=held%20that%20the%20right%20to,(d)%20and%2021)

While in the media law, ⁶media trial is the major threat which infringes right to privacy even the act portrays and gives enormous publicity to the accused, victim, suspects, and witnesses or to any such people who are involved in the case. In 2012 the supreme court observed in the case of ⁷Sahara v. SEBI that only court can grant inhibited relief on balancing of the right to free trial and free press as sometimes media covers issues in such a manner that it seems like trial and this was affecting the reputation of the judiciary and judicial proceedings adversely, it interferes and interrupts the function of the judiciary system. There is no separate article for media and press as the right to speech and express is a fundamental right and the people of media is also a part of India so it does imply on them.

Dr. B. R. Ambedkar stated the fact that no person i.e. the press or the mass media has a special right that is not to be given to or which is not to be exercised by the citizen in his capacity. The editor of the press or the manager is all citizens and therefore when they choose to represent any newspaper, they are merely exercising the right of expression and in my judgment, no special mention is necessary of the freedom of the press at all.

And in the act of official secrets 1923 where section 3 deals with offenses such as wrongful communication of secret information, spying, collecting, recording, publishing, communicating, making a sketch, plan or note which can intend to be directly or indirectly useful to an enemy leads to be punishable under sec 3 (1) with imprisonment for a term which may extend to 14 years.

IMPACT OF PRIVACY INVASION BY MEDIA AND A WAY FORWARD

This invasion of privacy can harm people physically, mentally, emotionally as the presented person can be spied easily and the terror among society or the bad reputation can put their lives in danger even it can damage the reputation and can lead to embarrassment or kind of humiliation, emotional distress, financial loss, family violence, loss of job or disruption of government services. We can

⁶ INDIAN CONSTITUTIONAL LAW MP JAIN, 1088 (2018)

⁷ <https://www.drishtias.com/daily-updates/daily-news-editorials/freedom-of-media>

see many of the cases like ⁸Arushi Talwar in 2008 and Sheena Bora in 2015 and the recent, Indian actor Sushant Singh Rajput in 2020 that were targeted by media. They all have gone through similar media coverage and continuous investigations of the death which was in the form of unrestraint media trial. The publication or presentation of their personal life and history, personal chats, relationships, videos, and photographs can violate their fundamental rights individually.

It was seen that ⁹Media giving their suggestions or sometimes they inculcate someone before the court's judgment they often use TRP to know the interest of the viewers and try to cover such kind of information for their profits and views but in these circumstances they ignore the impact of viewing such things because it can harm the sentiment in mass, and most of the time this constant attention tend to put their lives in danger and it can be even worse for them as this can make them hostile or even this prior victimization can create a bad sentiment in public which can lead to harassing the image and reputation in the society.

Even it can harm the organizations financially, legally and in many more ways or it can result in to damage the reputation or loss of customers and their trust.

And here's the thought comes that 'does media consist any special advantages'?

No, as it is explained in the beginning that the Indian constitution prevails the right to speech and expression to every citizen but they shouldn't infringe on other's right to privacy at any cost. We people instigate and troll such kinds of stuff personally and like to keep interested in such pieces of information instead of knowing the actual news, which makes media publish such kind of information, although they value their profits and the popularity and we people take interest in watching such things which lead to increase such cases. So to stop the invasion of such rights by media and their trials we should counter the content manipulation and fake news and individually stop liking such kind of information and focus on the actual news for the welfare of the nation and media should stop taking advantage of TRP and must stick to the core principle like truth and accuracy, reality, impartiality and for an obvious fair play. The legal firms such as courts, judicial people, and especially the government should make some strict rules for the media and journalism so that they shouldn't practice such acts further.

⁸ <https://iapp.org/news/a/media-trials-in-india-an-unwritten-carve-out-to-the-right-to-privacy/>

⁹ <https://iapp.org/news/a/media-trials-in-india-an-unwritten-carve-out-to-the-right-to-privacy/>

CONCLUSION

Right to privacy is typically a new fundamental right ascertain by the Indian constitution in 2017 still it is not an absolute right it may be reasonable restrictions for prevention of crime and many more public disorders and being with the media can lead to damage reputation or even life of any victim, accused, witness. Considering our self as a part of this society, we often revoke this to change this situation we firstly and then this world every individual need his/her private space.

So to avail each person this right, the state should give those private moments to be cherished with those whom they wanted to be without putting any eye on spy. It should act in such a manner that no one should intrude on the right to privacy, not even media, as it is necessary for media and as well as for journalists to understand that the media trial and victimization might inculcate a big loophole between the trust of society.

And the court and government should practice some positive action to stop such kinds of infringement and invasion by media before some major problem occurs.